

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re AMERICAN EXPRESS MERCHANTS'  
LITIGATION

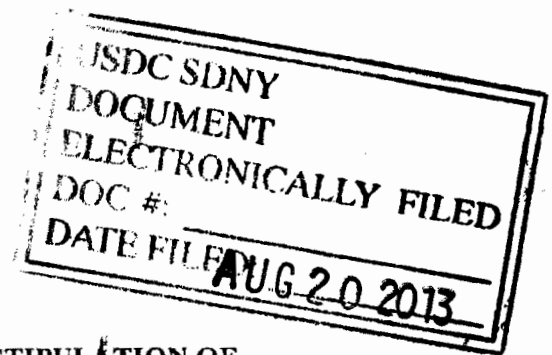
This Document Relates to:

*Italian Colors Restaurant, et al., v. American Express Company, et al.*, 03 Civ. 09592;  
*Cohen Reese Gallery, Inc., et al. v. American Express Co., et al.*, 03 Civ. 10271;  
*DRF Jewelers Corp. v. American Express Co., et al.*, 03 Civ. 09517;  
*Chez Noelle Restaurant v. American Express Co., et al.*, 04 Civ. 00266;  
*Mascari Enterprises d/b/a Sound Stations v. American Express Co., et al.*, 04 Civ. 00366;  
*Mims Enterprises, Inc., d/b/a Mims Restaurant v. American Express Co., et al.*, 04 Civ. 01558; and  
*Greenporter LLC et al. v. American Express Co., et al.*, 09 Civ. 01566

STIPULATION OF  
DISMISSAL

Master File No.  
03 Civ. 09592 (GBD)

(ECF Case)

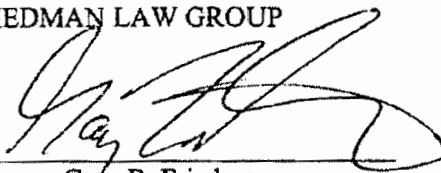


IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties in each of the above-captioned actions ("Actions") that, effective upon the receipt by the United States Court of Appeals for the Second Circuit of the opinion and certified copy of the judgment of the United States Supreme Court in American Express Company, et al. v. Italian Colors Restaurant et al., No. 12-133 and the filing of this Stipulation of Dismissal, the Actions and each of the complaints filed therein are dismissed with prejudice and without costs pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

IT IS FURTHER STIPULATED that within seven (7) days of the filing of the issuance of the mandate by the United States Court of Appeals for the Second Circuit in In re American Express Merchants' Litigation, No. 06-1871-cv, the Defendants shall file this

Stipulation of Dismissal in the Actions.

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**SO ORDERED:**

  
George B. Daniels, U.S.D.J.

Dated:

**AUG 2 2013**